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8 Joseph W. Charles
9 State Bar #003038
10 Attorneys for Defendants/Debtors

11 **IN THE UNITED STATES BANKRUPTCY COURT**
12 **FOR THE DISTRICT OF ARIZONA**

13 IN RE THE MATTER OF:

14 STANLEY THOMAS LUND and JUNE
15 MARIE LUND, aka LUND
16 MORTGAGE, INC.,

17 Debtors.

18 THE BILTMORE BANK OF ARIZONA,

19 Plaintiff,

20 vs.

21 STANLEY THOMAS LUND and JUNE
22 MARIE LUND,

23 Defendants/Debtors.

Chapter 7

Case No. 2:09-bk-16494-SSC

Adv. Proc. No. 2:09-ap-01577-CGC

ANSWER

24 Defendants/Debtors, by and through their attorneys undersigned, hereby answer
25 Plaintiff's Complaint and admit, deny and allege as follows:

26 1. Defendants/Debtors admit the allegations contained in Paragraph 1 of
27 Plaintiff's Complaint.
28

1 2. Defendants/Debtors are without sufficient information to form a belief as to
2 the truthfulness of the allegations contained in Paragraph 2 of Plaintiff's Complaint, and
3 as such neither deny nor admit same.

4 3. Defendants/Debtors admit to the allegations contained in Paragraph 3 of
5 Plaintiff's Complaint.

6 4. Defendants/Debtors deny the allegations contained in Paragraph 4 of
7 Plaintiff's Complaint.

8 5. Defendants/Debtors admit to the allegations contained in Paragraphs 5, 6,
9 7, 8, 9, 10, 11 and 12 of Plaintiff's Complaint.

10 6. Defendants/Debtors deny the allegations contained in Paragraph 13 of
11 Plaintiff's Complaint.

12 7. Defendants/Debtors admit to the allegations contained in Paragraphs 14,
13 15, 16 and 17 contained in Plaintiff's Complaint.

14 8. Defendants/Debtors deny the allegations contained in Paragraph 18 of
15 Plaintiff's Complaint.

16 9. Defendants/Debtors are without sufficient information to form a belief as to
17 the truthfulness of the allegations contained in Paragraph 19, 20, 21, 22, 23 and 24 of
18 Plaintiff's Complaint, and as such neither deny nor admit same.

19 10. Defendants/Debtors admit to the allegations contained in Paragraph 25 of
20 Plaintiff's Complaint.

21 11. Defendants/Debtors are without sufficient information to form a belief as to
22 the truthfulness of the allegations contained in Paragraph 26, 27 and 28 of Plaintiff's
23 Complaint, and as such neither deny nor admit same.

24 12. Defendants/Debtors deny the allegations contained in Paragraphs 29, 30,
25 31 and 32 of Plaintiff's Complaint.

13. Defendants/Debtors are without sufficient information to form a belief as to the truthfulness of the allegations contained in Paragraph 33 of Plaintiff's Complaint, and as such neither deny nor admit same.

14. Statement of fact and therefore no response is required to Paragraph 34 of Plaintiff's Complaint.

15. Defendants/Debtors deny the allegations contained in Paragraphs 35, 36, 37 and 38 of Plaintiff's Complaint.

16. Statement of fact and therefore no response is required to Paragraph 39 of Plaintiff's Complaint.

17. Defendants/Debtors deny the allegations contained in Paragraphs 40, 41 and 42 of Plaintiff's Complaint.

WHEREFORE, Defendants/Debtors request that Plaintiff's Complaint be dismissed and that they be awarded their reasonable attorney's fees and costs incurred herein, and for such other and further relief as the Court deems necessary.

DATED this 14th day of December, 2009.

JOSEPH W. CHARLES, P.C.

By: /s/ Joseph W. Charles
JOSEPH W. CHARLES
 5704 West Palmar Avenue
 Post Office Box 1737
 Glendale, Arizona 85311
 Attorney for Defendants/Debtors

1 The foregoing was eletronically
2 filed with the U.S. Bankruptcy Court
3 and a copy was mailed this 14th day
4 of December, 2009, to:

5 Theodore P. Witthoft, Esq.
6 Collins, May Potenza, Baran & Gillespie, P.C.
7 201 N. Central Avenue, Suite 2210
8 Phoenix, AZ 85004-0022
9 Attorneys for Plaintiff

10 /s/ S. Borek
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